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FALL 2003

Risk Matters

A Publication Dedicated to Risk Management In Montana State Government



Department of Administration, November, 2003, Volume 13, No. 1

Meet the New State Risk Management Advisory Council

ommercial insurance attachment points, SIRs (i.e. self-insured retentions), ergonomics, releases of liability, cutthrough endorsements, three second rule, additional insured status, proof of loss, mold exclusions, extra & expediting expenses....say what?

These terms are 'foreign' to most state employees. They are, however, 'common speak' to members of the new state Risk Management Advisory Council, created by the Governor's Office in May of 2003. This small, but very important council, consists of experts with backgrounds in insurance, claims, and risk that speak the language of Risk Management.

The Advisory Council is not an 'overseer' of the division. By executive order, council members 'counsel' with the division on ways to make our programs more cost-effective. Council members represent both the public and private sectors in industries as diverse as healthcare, government, railroad transportation, and energy.



If you are wondering what happened to the old Risk Management Advisory Council, the answer is they're still around! They were never 'advisory' in nature, however, so their name was changed to the state Risk Management Committee to more appropriately reflect their responsibilities.

Please visit our website at http://discoveringmontana.com/doa/rmtd/content/08advisory/files/rmac_executive_order.pdf for additional information. MEANWHILE, Meet the new Risk Management Advisory Council!

New Risk Management Advisory Council

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Hailstorm Hammers Havre

here are two kinds of people that live in Montana. Those who have had hail damage, and those who are going to!

Hail is precipitation in the form of lumps of ice that form in some storms. They are usually round...and vary from pea size all the way up to grapefruit size. Hailstones generally form in thunderstorms between currents of rising warm air called the updraft... and the current of cold air descending toward the ground...called the downdraft. Large hailstones indicate strong updrafts in storms. The larger the hail... the stronger the updraft needed to hold it aloft in the storm.

On June 20th this year, a major hail and windstorm hit Havre, Montana. The Montana State University Northern campus was catastrophically impacted. A total of 23 buildings sustained roof damage of one degree or another. Off campus, the Chancellor's house and garages suffered extensive damage. In addition, a few state vehicles and two houses owned by the Department of Commerce, Board of Housing were impacted.

Estimates of the costs to repair the damage or replace infrastructure presently exceed \$1 million. Fortunately, the Risk Management & Tort Defense Division had a comprehensive plan of insurance protection against 'hail damage' in place at the time of the loss. Repairs are currently underway.

The Havre hail claims potentially represent the single largest property loss in Montana State Government over the past decade!



The Good, The Bad, & The Ugly

he claim report for FY03 is a mixture of good, bad, and somewhat ugly performance indicators.

On the whole, expenditures were comparable, and in some cases lower, than expected when compared with prior years. Here's a shakedown:



FY	A	uto	General		Property	
	# Claims	Loss	# Claims	Loss	# Claims	Loss
		Payments		Payments		Payments
2000	231	\$753,000	437	\$10,473,000	52	\$827,000
2001	360	911,000	658	\$6,984,358	73	\$573,000
2002	359	\$1,064,000	314	\$11,363,824	93	\$1,110,000
2003	363	\$968,000	285	\$8,914,628	71	\$621,000

The good news is that auto and property claims and loss payments were lower in FY2003 than in FY2002 and claims were relatively stable.

The bad news is that \$ loss payments in general liability and property were up SIGNIFICANTLY from FY01, which is one of the reasons why agencies rates were unfavorably impacted during the current biennium.

We couldn't think of anything really UGLY to say about the trends so we'll leave it at that! Keep in mind that your insurance premiums are driven by YOUR loss payment costs, and exposure as measured by # of vehicles and \$ in loss payments.

Boost Productivity, Cut Injuries with Job Rotation



tate workers who perform repetitive tasks over time may be affected by Cumulative Trauma Disorders (CTDs). In brief, (CTDs) are 'worn out body parts' such as wrists, fingers, elbows, knees, and are one of the fastest growing categories of occupational injuries among workers according to the Occupational Safety & Health Administration (OSHA). Can anything be done to prevent the onslaught of these injuries?

Yes, in fact job rotation among workers through a variety of tasks or jobs is growing in popularity! The premise behind job rotation is to alleviate physical fatigue and stress by rotating workers among jobs that require the use of different muscletendon groups. Experts say that job rotation can result in increased productivity and satisfaction among workers. Reduced injury rates are another significant benefit.

Job rotation alone does not change the ergonomic risk factors in a state agency. It only distributes the risk factors more evenly across a larger group of employees. When workers rotate between two jobs, the risk exposure may drop to a safe level. Not all jobs are candidates for job rotation. Situations may vary; therefore, job rotation may not be an alternative in many state agencies. Try the following 'tried and proven tips' in evaluating the viability of job rotation processes within your agency:

- Get employee input -Encourage employees to make suggestions.
- Verify rotation efforts with affected work units.
- Provide training -Input and support of management and employees is vital.
- Phase it in Small successes often lead to 'bigger and better' things.
- Monitor the rotation -Are the rotations working or do they need 'fine tuning.'
- ► Evaluate changes.
- Measure effectiveness



hey work long hours, often under looming deadlines and intense pressure, defending state agencies and universities against torts (i.e. claims for personal injury or property damage). The work is very demanding, the level of expertise required is 'technical' and it takes a special breed of lawyer to do the work.

Yes, we're referring to our 'tort team', which consists of attorneys,

paralegals, secretaries, and private counsels who are ultimately responsible for defending the state against tort actions arising from alleged negligent acts or omissions. In a recent study conducted by staff at the Risk Management & Tort Defense Division, 32 lawsuits accounted for 60% of liability expenditures since FY2000.

These lawsuits are 'catastrophic,' and their outcome in court drives the state's liability insurance premiums. The 'tort team' is our 'front line of defense.' They are experts at advising state clients and preparing state witnesses for trial. Their influence and impact is 'far reaching.'

If you are ever involved in a lawsuit, Risk Management & Tort Defense Counsel are here to work with you to evaluate your claim and then either deny it, or resolve it through settlement or trial, consistent with acceptable legal precedent and ethical obligations. Here's to the TORT TEAM!

Property Inspections Draw Rave Reviews!

tate government is the proud owner of over 3,400 properties located in virtually every major city in Montana, ranging from outhouses to the State Capitol! Some of these properties, such as the Mansfield and Renne Libraries, contain valuable papers and unique collections.

Other properties such as the Historical Society, Old Governor's Mansion, or State Capitol are home to invaluable collections of rare and historic paintings, statuaries, tapestries, or antique furniture and are seen by thousands of visitors each year.

Still other properties such as the Manning Memorial building

Continued on page 4

Property Con't from page 3

(Department of Transportation) or the Cogswell building (DPHHS) are 'haven' to hundreds of state employees who work there each work day.

Protection of these properties and their associated physical, financial, and human resources is a fundamental objective of the state management risk program. Consequently, some state agencies conduct periodic self-inspections of their properties to identify hazards. In addition, the Department of Labor & Industry and the State Fire Marshal also conduct regulatory inspections that focus on fire and life safety. Finally, the Risk Management & Tort Defense Division targets high dollar value properties either owned or leased throughout Montana and conducts property and liability inspections (for insurance purposes), free of charge, through the services of inhouse staff and state insurance consultants.

Recent inspections have identified premises liability exposure, improper storage of hazardous materials, and potential ignition of combustible materials. Many potential property exposures have been averted through prompt follow-up. State agencies seem genuinely appreciative of the time taken by RMTD staff and consultants.

Keep in mind that these property inspections are intended to complement, not supplant, each agency's responsibilities under the Montana Safety Culture Act or other state or federal law. Please contact Aric Curtiss at ext. 3486 for additional information about property inspections.

Property inspections continue to draw 'Rave Reviews' from state clients.

Side guards should cover 75% of the wheel plus the nuts and bolts holding the wheel. [29 CFR 1910.215(a)(2)] This prevents items from being caught by the wheel. It also provides a working area where the wheel is turning one constant direction rather than the 360-degree directions of the entire wheel.

- Work rests should be used and adjusted to within 1/8î of the wheel. [29 CFR 1910.215(a)(4)] The work rest is the small solid platform in front of the working portion of the wheel. The work rest provides a solid resting place to hold tools to the wheel. Its adjustment will prevent employees from using too large or too small of items on the grinder. The work rest also will catch any item kicked out by the wheel.
- Tongue guards should be used and adjusted to within ¼" of the wheel. [29 CFR 1910.215(b)(9)] The tongue guard is the guard at the top of the working portion of the wheel. The tongue guard prevents items (tool, gloves, fingers, etc) from being 'sucked in' to the rotating wheel.
- ▶ Goggles or a face shield should always be used when grinding. [29 CFR 1910.133(a)(1)] Personal protective equipment (PPE) should always be available and used to safeguard employees.
- ▶ Grinders should be permanently mounted. [29 CFR 1910.212(b)] A grinder needs to be solidly mounted. A non-secured grinder can 'walk' away as it vibrates, possibly causing an accident or injury.

Grind AWAY Safely!

e all know that equipment falls out of adjustment or even wears out and fails. Sometimes the 'wear and tear' is normal, while at other times employees cause 'wear and tear' because of alterations that are made to the equipment.

A very common piece of equipment used in the basements or corners of many state facilities is the abrasive wheel (i.e. a bench or pedestal grinder). They are often used to clean or sharpen assorted tools and items.

With all of the assorted uses of these grinders, not to mention the variety of makes and models available, it is no surprise the Occupational Safety & Health Administration (OSHA)

has an extensive standard to protect workers.

The OSHA standard addressing abrasive wheels is 29 CFR 1910.215. This standard can be complicated but it can be very simple too if you understand the basics and realize the standard is here to protect state employees and the equipment. See side bar for the standards in simplified form.

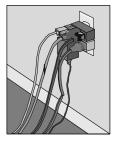
These are just some of the OSHA standards related to the common grinder 'in a nutshell.' Please review the full standard to make sure we haven't missed anything important.

In addition, please take a moment to check your grinders and abrasive wheels. A minute to readjust the features of your equipment can save somebody's finger or even their life.

Finally, for a more comprehensive checklist of grinder safety, go to: http://www.osha-slc.gov/SLTC/machineguarding/new-grinder-checklist.html.

Hazards of Heating

s sure as 'the sun rises and sets,' more winter and cold days are headed to Montana! To combat the frigid elements within their own offices, some state employees use space heaters to keep their work areas toasty warm. Great idea? That depends on the space heater! Not all space heaters are created equal!

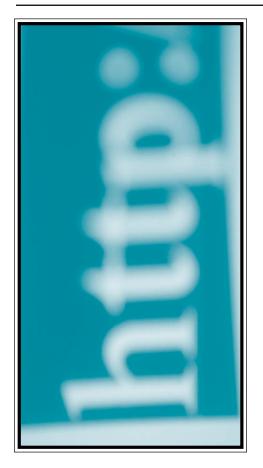


In fact, many space heaters have been recalled by the federal government or by manufacturers themselves because they were unsafe. A very quick search of the Consumer Product Safety Commissionís (CPSC) website (www.cpsc.gov) found nearly 2.4 million space heaters have been affected in just twelve recent recalls which included trusted name brands and stores such as True Value, Sears, Honeywell, Duracraft, Patton, Lakewood, Holmes, and Vermont Castings to name a few.

Defects or concerns that were noted included: 1) heating elements coming in contact with the frame and posing electrical shock and electrocution hazard to consumers; 2) thermostats improperly positioned, which can cause them to overheat; 3) short-circuiting; 4) fans sticking, which causes the heaters to overheat, thus presenting electrical shock exposure; and 5) covers separating exposed internal components, thus presenting a hazard.

To protect themselves from the 'HAZARDS OF SPACE HEATING,' state employee users are encouraged NOT TO USE THEM, unless absolutely necessary! If there are extenuating circumstances and you use a space heater, consider the following inspection tips:

- Cords should be polarized, secure, and undamaged.
- ► All covers and parts should be in place.
- ► Heat elements and other internal components should be shielded.
- Switches, dials, and knobs should all be in proper working order.
- When operated, the sides, top, and bottom of the heater should not be hot; the fan should direct all heat.
- Base feet should be in place and the heater should set flat without rocking or tipping. The entire unit should be clean and dust free.
- Allow ample space around space heaters to allow heat to dissipate and warm the entire area.
- Recycled paper, extra shoes, or just the bottom side of desk cabinets can hold heat or even be ignited if exposed to a heater long enough.
- Ventilation and clearance is also important.



New on the Web

ccording to a recent report from our Webmaster, use of the Risk Management & Tort Defense Division's website is increasing! In fact, one month our website received 75,000 hits. Even we were surprised!

It should come as no surprise, however, that one of the division's important technology initiatives is to keep our website 'fresh, new, and exciting,' for you, the user. Here are some changes since our last bulletin update:

- ► Homepage: Our home page has been updated at to include fast breaking news and happenings within our world at: http://discoveringmontana.com/doa/rmtd/css/default.asp. We have also created an archive to store 'splashes' from the past. You may view the archive at: http://discoveringmontana.com/doa/rmtd/css/newsarchive.asp.
- ► Training & Events Calendar: State employees may now view key events and training seminars sponsored by state agencies such as the Department of Administration, Department of Labor & Industry, Montana State Fund, as well as other public and private organizations online: http://rmtd.doa.state.mt.us/pls/rmtd/RMTD_CTIS_TRAINING.training_monthly_list Content is 'user-friendly' and presented in a calendar format for easy access and use.

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News on the WEB Con't...

- ▶ Water Damage Remediation: Mold is excluded under the state's property insurance plan, therefore, state agencies must be pro-active in mitigating water damage and the formation of 'mold' through a pro-active policy of water cleanup and restoration. Visit our web site at:

 http://discoveringmontana.com/doa/rmtd/content/01aboutrmtd/files/water_damage_policy.pdf. for a current copy of our water damage and mold remediation policy.
- ▶ Volunteer Insurance: Effective July 1, 2003, university volunteers are covered for injuries incurred while participating in university sponsored events. This coverage is in excess of the volunteer's personal insurance. A summary of coverage under the new plan may be found at: http://discoveringmontana.com/doa/rmtd/css/05insurance/accidental.asp.
- ► Foster Care Claims: The Foster Care Claims Policy form is now available electronically for DPHHS employees to download and complete, however, claims may not be submitted 'on-line.' Instructions for processing claims are located at: http://discoveringmontana.com/doa/rmtd/css/04claims/pub_rep_loss.asp. The forms may be downloaded from: http://discoveringmontana.com/doa/rmtd/content/04claims/files/fostercare form.pdf
- ► The National Highway Transportation Board has issued an updated advisory regarding the use of 15 passenger vans. State agencies and universities who own these vehicles and are affected by the advisory may now download the advisory from: http://discoveringmontana.com/doa/rmtd/content/09publications/files/15-passvans.pdf
- ► The State of Montana Employee Safety Program Model has been updated to include all current rule cites at: http://discoveringmontana.com/doa/rmtd/content/09publications/files/safetymanual100303.pdf
- ► The Commercial Property Insurance summary has been updated to reflect changes in coverage, pricing, and insurance carriers on our website at: http://discoveringmontana.com/doa/rmtd/css/05insurance/propertysummary.asp.

State Capitol Springs Leak!

ere's the 'scoop' on the Capitol flood loss!

In summary, this surprising loss occurred on October 24, 2003, when a cap from copper piping serving the Capitol's air conditioning system 'popped off.'

Hundreds of gallons of water immediately spilled through the ceiling down onto the second floor and drenched a tenant before ultimately finding the first floor of the Capitol and spreading to the basement maintenance room. Plumbers were able to respond in very little time to stop the flow, and a restoration service arrived and immediately began water extraction.

Fortunately this incident occurred Friday afternoon, just before the weekend, when General Services and Capitol tenants could immediately respond to move equipment, paperwork, and furniture; thus mitigating what could have been a more substantial loss.

The General Services Division is to be commended for their quick response and knowledge of water remediation disasters, which ultimately mitigated damages.

Remember these water mitigation steps

- Shut off the water immediately.
- Any water loss that cannot be totally dried within 24 hours must be reported to Risk Management and Tort Defense at (406) 444-2422 or (406) 444-7996 within one business day of any occurrence.
- ► Think about the items that are really important. Decide which property is the most valuable and/or a priority for whatever other reasons.
- ► Clean up any standing water! However, keep in mind that you are not done when the obvious water is mopped up. Look in all adjacent rooms, lower floors, basements and crawl spaces. Look inside all boxes and under all contents.
- Aggressively dry any water soaked areas. Moving air is the most effective way to dry up water. Install fans. Fans designed for this use can be rented or water damage restoration professionals can be retained.
- While moisture levels remain above normal in the area of a water loss, agencies must actively, continuously, use appropriate processes to reduce moisture levels. After extraction of standing water, drying fans or other active means must be used to bring moisture levels back to normal.
- Water trapped inside walls and floor systems takes a long time to dry which often leads to mold. It must be decided whether it is appropriate to tear into drywall, floors, and the like in order to mitigate the damage. Reasonable removal of building items in the long run will reduce cost.
- Consult with the claims staff at Risk Management and Tort Defense. They can provide expertise and authority to spend insurance funds.
- If you find that mold has already established itself, DO NOT let it spread. Do not expose anyone to the mold without proper protection. Do not stir it up with activity in the area. Take measures to contain it and control the movement of air around it.
- ► If at any point health hazards are discovered that are caused by a water loss, Risk Management and Tort Defense must be notified.

Chill Out!

ith winter and cold weather fast approaching, state employees working outdoors or traveling are more likely to be exposed to cold, windy weather, which can lead to hypothermia.

Now is a good time to examine that little understood phenomena called WIND CHILL!

WHAT IS WIND CHILL?

On a calm day, our bodies insulate us somewhat from the outside temperature by warming up a thin layer of air close to our skin, known as the boundary layer. When the wind blows it takes this protective layer away - exposing our skin to the outside air. It takes energy for our bodies to warm up a new layer, and if each one keeps getting blown away, our skin temperature will drop, and we will feel colder.

Wind also makes you feel colder by evaporating any moisture on your skin - a process that draws more heat away from your body. Studies show that when your skin is wet, it loses heat much faster than when it is dry. We call the cooling sensation caused by the combined effect of temperature and wind the WIND CHILL.

HOW IS WIND CHILL MEASURED?

The sensation we get as a result of the combined cooling effect of temperature and wind, can not be measured using an instrument, so scientists have developed a mathematical formula that relates air temperature and wind speed to the cooling sensation we feel on our skin.

The original wind chill formula was derived from experiments conducted in 1939 by Antarctic

explorers, Paul Siple and Charles Passel. These hardy scientists measured how long it took for water to freeze in a small plastic cylinder when it was placed outside in the wind. Over the years, the formula was modified somewhat, but remained based on the Antarctic experiments.

The original formula was useful, but there is a considerable difference between a human body and a plastic cylinder filled with water. The most notable fact is that people produce body heat. As well, the wind speed used in the formula is measured ten meters above the ground, usually at airport weather stations. At this height, the winds are faster than those at 1.5 meters, the height of an average person.

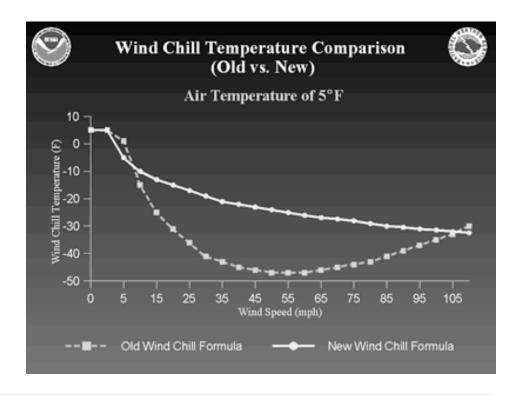
NEW SCIENCE AND A NEW STANDARD

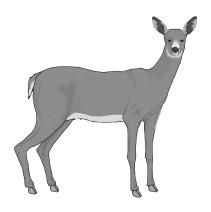
Canada took the lead in an international effort to develop a new wind chill formula. During 2001, a

team of scientists and medical experts from Canada and the U.S. worked together to develop a new wind chill index. The new index is based on the loss of heat from the face - the part of the body that is most exposed to severe winter weather.

Volunteers were exposed to a variety of temperatures and wind speeds inside a refrigerated wind tunnel. They were dressed in winter clothing, with only their faces exposed directly to the cold. To simulate other factors affecting heat loss, they also walked on treadmills and were tested with both dry and wet faces.

The new wind chill index represents the feeling of cold on your skin, it is not actually a real temperature, and so it is given without the degree sign. For example, "Today the temperature is 32°F, and the wind chill is -10."





Oh Deer!

Smith, had just attended defensive driving in Great Falls, Montana and was returning home to Havre. Visibility was dim as daylight turned to dusk.

Suddenly, a dark object moving at a high rate of speed crosses from the shoulder of the road into the path of Smith's vehicle. Smith smashes into the deer as it leaps to clear the vehicle.

Fortunately, Smith doesn't do anything heroic such as steering right to avoid hitting the deer or crossing into the passing lane. Instead, Smith remembers what he learned in defensive driving and stays in his lane while attempting to slow down. When Smith realizes that a collision is inevitable, he hits the deer with a glancing blow.

The names have been changed to protect the innocent, but this story is otherwise true. Deer and other animals are road hazards that cannot be avoided in Montana.

The traveling public is responsible to identify and avoid hazards such as deer. Deer claims in state vehicles are on the increase as shown in the table below:

Oh, deer! What can you do to prevent these collisions:

- ► Be alert and attentive at all times while driving.
- Use peripheral scanning to detect deer to the sides of and in front of your vehicle.
- ► Keep your lights on low beam. High beam causes deer to 'freeze' and increases the chance of an accident.
- ► REDUCE YOUR SPEED, especially at dawn and dusk, when animals are the most active.

STRUCK BY DEER					
FY	# Of Claims	\$ Incurred Losses			
2000	10	\$13,770			
2001	8	\$15,551			
2002	25	\$40,096			
2003	22	\$35,525			

NTSB Issues 15-Passenger Van Alert

ollowing the deaths of a teenager and four senior citizens in two separate crashes involving 15-passenger vans, the National Transportation Safety Board (NTSB) is urging all organizations that use these vans to follow lifesaving practices. In the crashes that occurred in Texas and Virginia the left rear tire failed, the drivers lost control of the vehicles, and the vans rolled over several times.



Highway safety experts at the NTSB strongly suggest the following:

► Keep seat belts and lap belts accessible and make sure passengers use them. They are often forgotten when they are out of sight and wedged between the seat bottom and seat back.

▶ Inspect seat belts and lap belts and replace missing buckles, as well as broken and worn belts. The NTSB accident investigation concluded that several of the passengers might not have lost their lives if they had been wearing seat belts or lap belts. They were ejected from the vans when the vehicles rolled over.

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Van Alert Con't from page 8

- Regularly check the condition of tires for uneven wear, cracks and damage. Many of these vans are not continuously driven like the family car. Low mileage doesn't mean tires are safe, the NTSB emphasized. Age, sunlight, and just being parked for long periods can lead to deadly tire degradation and dry rot. Unfortunately, dangerously deteriorated tires cannot always be detected by visual inspection alone. It often takes an automotive repair professional.
- Check the tire pressure often and make sure it conforms to the van and tire manufacturer's standards. Be aware that front and back tires may require different inflation pressures, and these pressures may be higher than the tires on passenger cars. The manufacturer's recommended pressure is usually on the driver's doorsill or in the tire owner's manual. A major problem with these vans, the NTSB found in investigations, is that tires are often under-inflated, leading to higher tire temperatures, faster deterioration, diminished driving stability.

- ▶ Make all drivers of these vans aware that the dynamics of vans, especially during an emergency like a tire blow out, are very different from the family car.
- ► Get additional training for drivers since these vans handle differently than other vehicles, especially when they are fully loaded.

"We are urging all organizations, from church groups and schools to non-profit and public interest organizations, to learn that driving and maintaining 15-passengers vans is not the same as the average family car, and that it is critical that seat belts be used," said NTSB Chairman Ellen G. Engleman.

The NTSB is also trying to spread the word about 'lessons learned' from the two fatal crashes that the board discussed at a public meeting in Washington, D.C. in July. It is estimated that state agencies and universities own 40 to 50 of these 15 passenger vans. State van drivers would be well served to heed the advice of the NTSB.



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Insurance/ Finance:						
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Services to State Agencies

Insurance for: Property, liability, employee dishonesty, vehicle, aircraft, other risks.

Legal Defense/Claims for: Liability, property, other claims.

Loss Control: Consulting for all of the above.



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Distribution to: All agencies of state government in executive, legislative, and judicial branches and the university system. Copies of this bulletin should be placed in agencies' copies of the State of Montana, Risk Management Procedures Manual, Section XII.

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